

**New Castle Town Council Regular Meeting  
Tuesday, June 18, 2024, 7:00 PM**

**Call to Order**

Mayor Pro Tem Grady Hazelton called the meeting to order at 7:00 p.m.

**Pledge of Allegiance**

**Roll Call**

Councilor Carey  
Mayor Pro Tem Hazelton  
Councilor Copeland  
Councilor Leland  
Councilor G Riddile

Absent      Mayor A. Riddile  
                 Councilor Mariscal

Also present at the meeting were Town Clerk Mindy Andis, Administrator Reynolds (ZOOM), and members of the public.

**MOTION: Pro Tem Hazelton made a motion to excuse Mayor A. Riddile and Councilor Mariscal absence. Councilor Copeland seconded the motion and it passed unanimously.**

**Meeting Notice**

Clerk Andis verified that her office gave notice of the meeting in accordance with resolution TC 2024-1.

**Conflicts of Interest**

There were no conflicts of interest

**Agenda Changes**

There were no agenda changes

**Citizen Comments on Items not on the Agenda**

There were no Citizen Comments

**Consultant Reports**

Consultant Attorney – not present  
Consultant Engineer – not present

**Items for Consideration**

**Proclamation Recognizing July as Parks and Recreation Month**

Mayor Pro Tem Hazelton read the proclamation into the record.

Administrator Dave Reynolds said both the Parks and Recreation Departments has done a great job keeping the parks looking great; the Recreation Department managed a great

Town Council Meeting  
Tuesday, June 18, 2024

sports programs and other programs as well coordinating all the town events.

Administrator Reynolds thanked both departments for all they do.

Public Works Director John Wenzel said the staff is motivated, and creativity is why the departments are so successful.

Arts & Events Coordinator Kelley Cox introduced Amanda Welk to the council. Ms. Welk is the Athletics & Activities Coordinator. The council welcomed Coordinator Welk to the team.

Parks Manager Ryan Barkman introduced the parks staff to the council and gave an update to the council. He said there are four seasonal staff which makes the department fully staffed. Manager Barkman said the fertilization, irrigating, broad leaf herbicide is all completed. Manager Barkman said the town did receive the 20-year Tree City approval. He said the Red Rocks ditch re piping project is finished. Manager Barkman said the town was awarded a grant to improve Kay Willimas Park to replace the playground equipment.

Administrator Reynolds said the town also received a grant with the help from Director, Wenzel, Manager Barkman and Administrative Asst. Rochelle Firth, to improve Ritter Plaza with concrete ping pong tables, chess set and cornhole.

Council Thanked the Park and Recreation staff for a great job they do.

### **Presentation: Lief Sackett – Colorado River Fire Rescue (CRFR)**

Mayor Pro Tem Hazelton thanked CRFR for their quick response to the fire that was in town a few days ago on Highway 6&24.

Chief Lief Sackett presented the newly adopted Colorado River Fire Rescue (CRFR) Strategic Plan for 2027-2030. CRFR has adopted a new mission statement "We are ready to protect life, home and property." Chief Sackett said CRFR is a fire protection district which is a special district. He said the district covers 698 square miles including New Castle-Rifle and the surrounding area. Being a protection district CRFR does wildland fires, structure fires, 911 ambulance response including EMTS and Paramedics. CRFR also does rescues, back country, vehicle extrication, fire prevention, community CPR classes, mitigation projects and home assessments. Chief Sackett said through a grant process CRFR was able to get an AED for the River Center.

CRFR IT Director John Gredig said CRFR is working on launching a new Garfield County Community Wildfire Protection Plan (CWPP). The CWPP is a comprehensive framework of protection plans based on the needs of residents in the community. A CWPP helps to prioritize areas for hazardous fuels reduction treatments and recommends the types and methods of treatment on lands that will protect communities and critical infrastructures. The CWPP once launched will be accessible on the Garfield County website.

Chief Sackett said CRFR has mitigated 20.5 acres, which includes the Cedars, Elk Creek, C Ave. and the New Castle Communication Tower.

Councilor G. Riddile asked what the goals of CRFR are. Chief Sackett said they are mainly concentrating on staffing in order to provide better services across the district; taking a look at the response times and doing what the department says they are doing; reducing the overall risk of life and safety, continuing to have strong partnerships with towns and organizations.

Councilor G. Riddile asked about affordable employee housing for CRFR. Chief Sackett said CRFR are open to all conversations regarding employee housing.

Councilor Carey said that the town adopted the WUI Code last year and asked if there are

any suggestions for the town on what the next steps or code the town should adopted as far as existing buildings. Chief Sackett said mitigation is important on private property.

Councilor Carey said there is a high call volume for chronic conditions calls, and asked if there's a way to reduce that number. Chief Sackett said about 70 percent of the calls received are medical calls. He said currently CRFR does have the means to have Community Paramedic to reduce the number of calls.

Mr. Gredig said in July CRFR will be completing a community risk assessment of all three communities and surrounding areas. They will be looking at what they have and where it is. CRFR will also be looking at the calls received. Once the assessment is completed CRFR will then look at how the best way is to respond to a particular call.

Mayor Pro Tem Hazelton asked if there are any plans to re-open the South Rifle Station. Chief Sackett said not at this time. Currently the wildland fire crew is housed there. However, the South Rifle Fire Station will be part of the assessment in July.

Commissioner Leland said in the past the Climate and Environment Commission (CEC) has worked with CRFR. He said CEC is passionate about wildfires and would be happy to volunteer on projects.

Administrator Reynolds said the amount of work that the wildland fire crews have done along Elk Creek is incredible. He thanked CRFR for all they do to keep the community safe.

Mr. Gredig said the Wildland Fire Team got a Wildland Fire Module rating this year. He said there are only three in the nation in fire departments. The purpose of it is the team will be able to get ahead of the fire and try to predict fire behavior. This also allows for better communications with the aircraft.

### **Presentation: Amy Moyer – Shoshone Water Rights Project**

Director of Strategic Partnerships with Colorado River District Amy Moyer reviewed the power point presentation (Exhibit A).

Mayor Pro Tem Hazelton asked if Pitkin or Eagle County been approached for funding? Ms. Moyer said she is currently working with Pitkin County water rights portfolio. Mayor Pro Tem Hazelton said a lot of Pitkin County's work force is from down valley and the quality of life and the drinking water is what the Town of New Castle deals with.

Mayor Pro Tem Hazelton asked if this was not to happen could non-consumptive rights be turned into consumptive rights. Ms. Moyer said no, because the water rights have been used for non-consumptive purposes. The risk of not securing the water rights is that they would be abandoned and the next user in line could use those rights. The next user in large part is the trans mountain diversion could without any change to the water rights or acquisition of the water rights move them within their systems.

Administrator Reynolds said this is really important because this is becoming more competitive for which way the water will flow either to the Front Range or the Western Slope.

### **Discussion: PTA Playground Equipment Grant**

Administrator Reynolds said staff has had conversations with the Kathryn Senor Elementary School (KSE) PTA for playground equipment. He said Kelsey Vollmer and Amy Villacci with the PTA have identified a real need for ADA Accessible Playground Equipment at KSE. PTAC members have received blessing from the school district to pursue this project and have been tasked with the job of finding the funding and organizing the

project. PTAC members have identified the total project cost as \$200,000 and have done an outstanding job of privately fund raising \$50,000 toward the project. With significant grant match money now in hand the PTAC is now exploring grant options for this project. Due to certain rules and limitations around GOCO and FLMD grants, the PTAC would like to explore grant partnership possibilities with the town. Staff and PTAC members will discuss the factors that drive the PTAC to seek town assistance. Ms. Voller & Ms. Villacci reviewed their presentation with the council.

**Project Nuts and Bolts**

**What:** We (KSE PTAC and Garfield RE-2 School District) are seeking a partnership with the Town of New Castle to apply for grants to build an accessible and inclusive playground addition for Kathryn Senor Elementary School.

**Who:**

- Parent Teacher Action Committee (PTAC) at KSE
- Garfield RE-2 School District
- Staff, students and parents at KSE
- Star Playgrounds

**Why:**

- This playground sits in the center of a New Castle residential neighborhood and is fully open to all members of the community outside of school hours and all summer long. This would provide not only the school, but the entire community with a safe and accessible space for children to play.
- Our current playground is inaccessible to individuals with mobility challenges due to the nature of the surfacing surrounding the equipment (pea gravel) and the nature of the equipment itself. We propose the addition of a fully accessible surface (poured in place rubber surfacing) and new, ADA compliant playground equipment that would allow children of all abilities to integrate and play together in a safe and engaging environment.
- This past year, KSE started a new Significant Support Needs (SSN) program that will increase the number of children enrolled at the school who would require these modifications. KSE is excited to offer this program and have the capabilities to teach all children. In the past, these students have been directed to other schools in order to best meet their needs. Unfortunately, the district is not able to provide funding for these necessary playground upgrades.
- There is no playground like this (with rubber surfacing and a focus on accessibility) anywhere in New Castle.
- This is the original playground that was built with the school in 1997.

**Project Details:**

- Resurfacing a portion of the playground with poured-in-place (PIP) rubber surfacing for accessibility and safety (The playground is currently filled with pea gravel. Pea gravel is not ADA accessible.)
  - Removing outdated and broken equipment.
  - Providing new, modern, and accessible playground equipment.
  - Because of the large size of this playground, this project would renovate a large portion, but not the entire playground. Some of the old equipment that is still in good condition would stay (swings, balance beams, monkey bars).
- \*See attached site plan for a better idea of which area we are hoping to place the rubber surfacing and new equipment.

**Location of Project:**

- Kathryn Senor Elementary School at 101 Alder Ave. (rear playground on the Northeast side of the school)
- Located in the heart of Castle Valley, walking distance to residential neighborhoods
- Close proximity to ViX Ranch Park, dog park and soccer fields.

**Timeline:**

- Grant submission -August/September 2024
- Grants awarded and Budget finalized - December 2024
- Equipment ordered - Winter 2024/Spring 2025
- Building commences-Spring/Summer 2025

**Funding:**

- Total project budget: \$200,000
- PTAC has been fundraising for the past two years and has secured "\$50,000 through a combination of cash and in-kind donations
- To cover the remaining \$150,000 needed to complete the project, we have identified two viable grant options:
  - Great Outdoors Colorado Community Impact Grant
  - Garfield County Federal Mineral Lease District Joint Grant

**How can the Town of New Castle help?**

**Partnership Proposal** - We are asking that the Town of New Castle partner with Garfield RE-2 school district so that we can apply for these grants. Neither of these grants allow the district to apply alone, but by partnering with the Town we would be eligible applicants. We have researched and vetted numerous grant options, and these are the best fit for our purpose.

Below we have detailed what the Town and District responsibilities would be within this partnership.

GOCO Community Impact Grant

Town responsibilities:

1. Fill the role of primary applicant
2. Provide a point of contact
3. Signed resolution

District responsibilities:

1. Fill the role of Fiscal Agent
2. Write the grant
3. Provide a project manager
4. Provide matching funds
5. Front total project cost prior to reimbursement

GCFMLD Partnership Grant

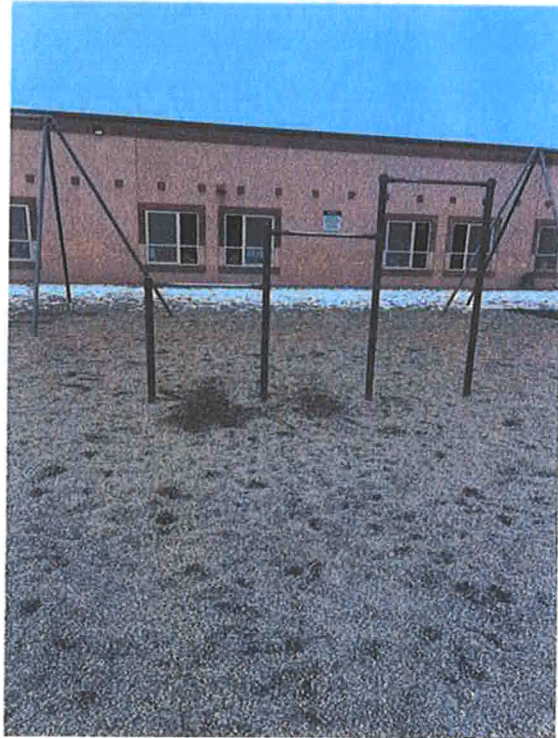
Town responsibilities:

1. Fill the role of joint applicant
2. Complete the Attestation form

District responsibilities:

1. Fill the role of Fiscal Agent
2. Write the grant
3. Provide a project manager
4. Provide matching funds
5. Front total project cost prior to reimbursement





### **Examples of New Accessible Equipment**

(Actual equipment will vary depending on amount awarded and current sale catalog.)

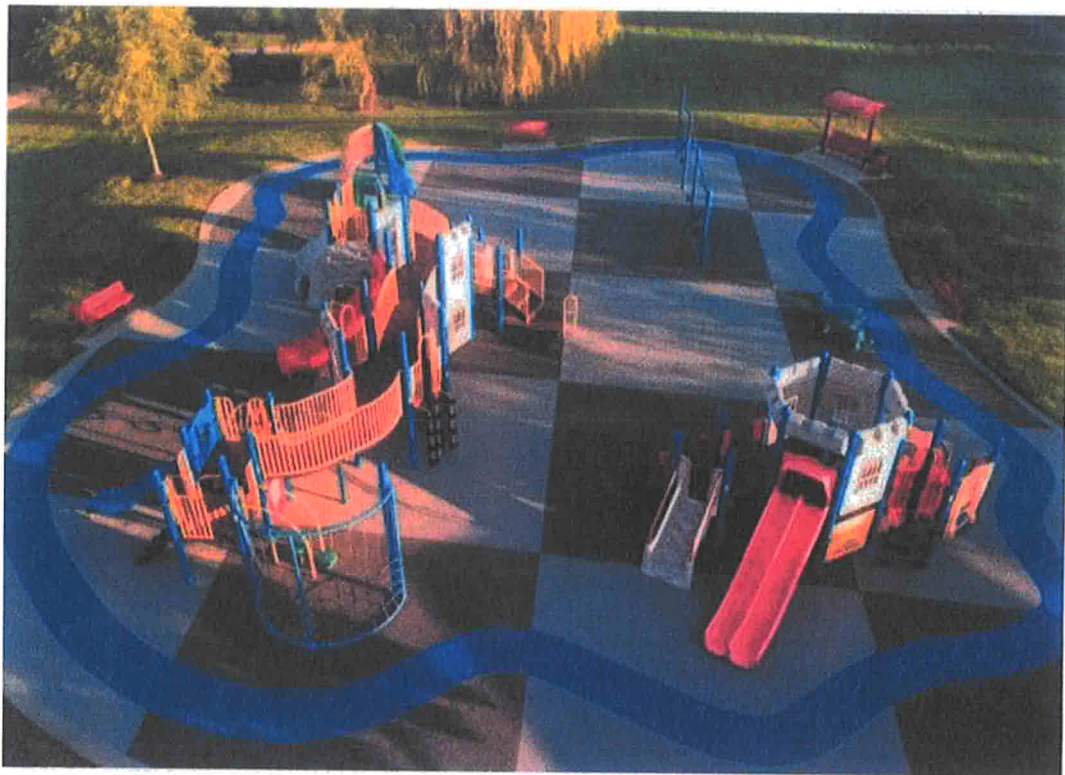
Town Council Meeting  
Tuesday, June 18, 2024





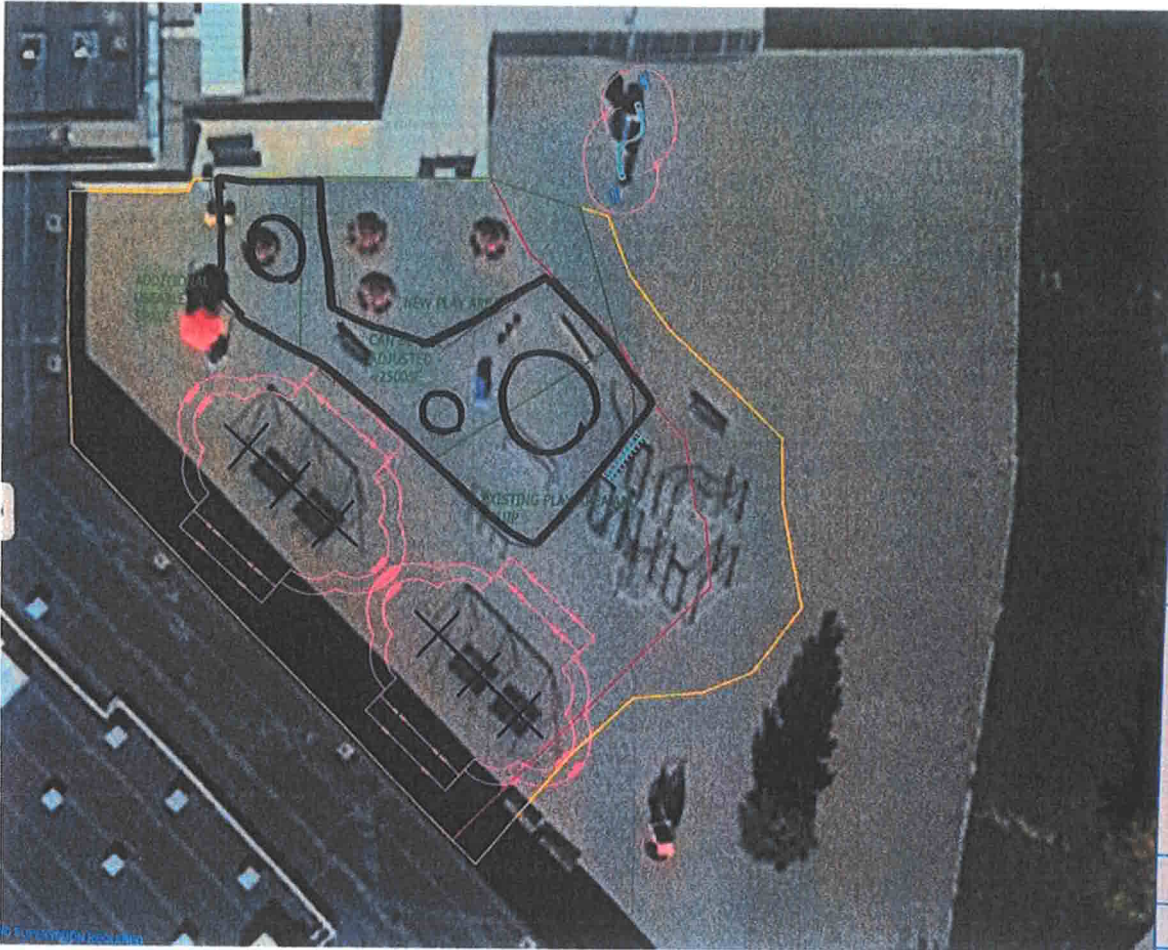
**Examples of the poured in place (PIP) rubber surfacing**

(Actual equipment will vary depending on amount awarded and current sale catalog.)



## Playground Site Plan

Accessible surfacing (poured in place rubber) and accessible equipment to be placed in area outlined in black. New playground area is approximately 250sq ft.



Councilor Leland said FMLD like's to see joint grant applications and this would be a good opportunity for a joint grant application. He encouraged Ms. Voller and Ms. Villacci to consult with Administrator Reynolds and Public Works Director John Wenzel.

Councilor G. Riddile suggested being a funding partner since the playground equipment will benefit the community. Also, being a funding partner could help with the success of the grant.

The council was in support of partnering with the PTA for the playground equipment. Administrator Reynolds said he has reached out to FMLD to find out if they were going to do a fall joint grant application round and if partnering with the PTA for a grant would affect the ability for the town to apply for the traditional fall grant. He is waiting to hear back from the FMLD.

Administrator Reynolds said if FMLD is not doing a joint grant this fall, then going for a GOCO grant would be the next best opportunity. For the GOCO grant the town would need to partner the PTA because GOCO will not award grants to school districts but will if there is a partnership with the school district.



Administrator Reynolds said the town would not be able to manage the project since it is on school property. The school district would act as the fiscal agent and project manager for the grant.

### **Consent Agenda**

Items on the consent agenda are routine and non-controversial and will be approved by one motion. There will be no separate discussion of these items unless a council member or citizen requests it, in which case the item will be removed from the consent agenda.

May 21, 2024 Minutes

June 4, 2024 Minutes

**MOTION: Councilor G. Riddile made a motion to approve the Consent Agenda. Councilor Carey seconded the motion and it passed unanimously.**

### **Staff Reports**

Town Administrator – Administrator Reynolds said he is at the CML Conference in Loveland until Friday, June 21, 2024. He took a tour of the dam that is being built in Loveland and the organization with the dam is happy to give tours to any town and city officials. He thanked the council for the opportunity to attend the CML conference.

Administrator Reynolds said town staff attended the town sponsored BINGO. The theme was Redneck Barn Yard and was a lot of fun and the community enjoyed it.

Administrator Reynolds reminded the council the next event coming up is the Ice Cream Social on Friday, July 12, 2024, from 3:00pm-5:00pm at Burning Mountain Park. The Ice Cream Social is developing to be a great event with many organizations there with booths.

Administrator Reynolds reminded the council there would be no meeting Tuesday, July 2, 2024, and town staff will be off for July 4<sup>th</sup> and July 5<sup>th</sup>.

Administrator Reynolds said the town hall windows project is moving along great.

Administrator Reynolds said Town Treasurer Viktoriya Ehlers will be on vacation from June 19, 2024 – June 21, 2024. Town Planner Paul Smith is also on vacation June 20, 2024, and June 21, 2024.

Administrator Reynold said the police department has been working on speed studies on various streets and has gotten a lot of data from Castle Valley Boulevard at the lower end. The study will be moved to Clubhouse Drive.

Administrator Reynolds said Treasurer Ehlers has finished the CIRSA renewal. The audit is also in process.

Administrator Reynolds said R2 Development will be going to P&Z for their Preliminary plan on Wednesday, June 26, 2024. The meeting will be held at the Community Center.

Administrator Reynolds said Planner Smith has received a land use application for the property on the southside of the river between the bridge and Riverview Park Condos.

Town Clerk – Clerk Mindy Andis said Assistant Michelle Huster has updated most of the code book. Please if you still have a code book drop it off and Assistant Huster will update it.

Clerk Andis said the public works department had a sealed bid opening for one of the town vehicles and the other vehicles that didn't sell will be going out to the public as a sealed

bid at a future date.

Clerk Andis said Assistant Rochelle Firth has reached out to the different organizations that apply for grants with the town to come and give an update to the council. Clerk Andis will be working with those organizations to schedule the update for the council.

Clerk Andis said her office has received the Special Event Liquor License Application from the recreation department for the tastings at the community market, Burning Mountain Festival and the Chili Cookoff. The application will be coming to the council at the next council meeting.

Clerk Andis said the town's website will be upgrading and her office will be going through training for the back end of the website. The appearance the website will not be affected. Clerk Andis said the clerk's office participated in BINGO and had a great time. She said the staff is already coming up with ideas for next year's BINGO.

Town Treasurer – not present

Town Planner – not present

Public Works Director – not present

### **Commission Reports**

Planning & Zoning Commission – Councilor Carey said they meet next week.

Historic Preservation Commission – Mayor Pro Tem Hazelton said Administrator Reynolds presented to the commission about designating the cemetery has a historic landmark. The commission has some homework to do. Administrator Reynolds said once the commission is comfortable, they will make a presentation to the council.

Climate and Environment Commission – Councilor Leland said they would be meeting next week. Administrator Reynolds will be at the meeting to discuss the bag fees.

Senior Program – Clerk Andis said they meet next week.

RFTA – Councilor Copeland said they had a retreat.

AGNC – Mayor Pro Tem said they meet next week but will not be able to attend since it will be at Montrose.

GCE – have not met.

EAB – have not met.

Detox – have not met.

### **Council Comments**

Councilor Copeland attended the Historic Society potluck dinner. The Historical Society thanked council for the computer equipment and getting heat in the building.

Councilor Carey said the schools are watering all day every day. Administrator Reynolds said he would reach out to the school district about the watering issue. Councilor Carey said a New Castle resident has approached her about the giant Siberian Elm Tree in front of his house. He lives at the west end of Main Street. The resident is not sure if the tree is on his property or the town's property. Part of the tree is rotting on the inside. She also



said it would be worth looking into having an arborist look at our trees and rate them since there are a few older trees in town.

Councilor G. Riddile said he has noticed where other towns have applied for Safety Action Plan grant. The program is Safe Streets For All and might be worth having staff look into. The program could get money for street safety improvement projects.

Commissioner Leland said the Lions Club yard sale will be this weekend in his backyard. Mayor Pro Tem Hazelton asked Administrator Reynolds if there has been any word on the grant money from Lauren Boebert office. Administrator Reynolds said there is no update yet.

### **Items for Future Council Agenda**

Councilor Carey said she has spoken to April Long with West Mountain Housing Coalition. The West Mountain Regional Housing Coalition assists an application to purchase a home. Councilor Carey would like to have Ms. Long give a presentation to the council.

Commissioner G. Riddile said he would like staff to look at some kind of funding for the Shoshone Water Rights and come back to council with a proposal.

Commissioner G. Riddile said he would like to discuss funding for the PTA playground equipment at the next council meeting.

**MOTION: Mayor Pro Tem Hazelton made a motion to adjourn. Councilor Carey seconded the motion and it passed unanimously.**

The meeting adjourned at 8:46p.m.

Respectfully submitted,

  
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Town Clerk Mindy Andis, CMC

  
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Mayor Pro Tem Grady Hazelton

EXhibit A  
to 6.18.24  
minutes



# COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

## MEMORANDUM

**TO:** MEMBERS OF THE TOWN COUNCIL, TOWN OF NEW CASTLE

**FROM:** ANDY MUELLER, GENERAL MANAGER  
ZANE KESSLER, DIRECTOR OF GOVERNMENT RELATIONS  
AMY MOYER, DIRECTOR OF STRATEGIC PARTNERSHIPS

**SUBJECT:** SHOSHONE WATER RIGHTS PRESERVATION UPDATE

**DATE:** JUNE 12, 2024

### I. SHOSHONE PERMANENCY PROJECT SUMMARY

The Shoshone Hydro Plant, a unique run of the river hydroelectric power plant, sits alongside the Colorado River in Glenwood Canyon, about eight miles east of Glenwood Springs. Owned by the Public Service Company of Colorado (PSCo), a subsidiary of Xcel Energy, it produces 15 megawatts of electricity, enough power to serve approximately 15,000 customers. Importantly, Shoshone also holds a senior (1902), nonconsumptive water right on the Colorado River, returning the flows it uses to the river after a short trip through the hydropower plant’s penstocks and turbines. The Shoshone call provides critical water supplies that drive the recreational economies supported by rafters, kayakers, and anglers from Eagle to Mesa County. Shoshone’s flows also provide critical habitat to four fish listed under the Endangered Species Act, and water security and quality to our Western Slope agriculture and many of our cities who utilize the mainstem of the Colorado for drinking water supplies and wastewater discharge.

For more than 20 years, the Colorado River District and 19 other western Colorado governments and water entities, including the City of Glenwood Springs and Summit, Grand, Eagle, Garfield, and Mesa Counties and many of the other municipalities and major water organizations therein, have been working together to find a way to permanently preserve the Shoshone flows. In fact, the 2013 Colorado River Cooperative Agreement between Denver Water and 17 West Slope governments/water user organizations expressly recognizes the importance of – and memorialized the need to provide permanent protection of – the Shoshone flows.

We are now on the cusp of the unprecedented alignment of multiple factors that presents a real opportunity to finalize this long-standing goal. On December 19, 2023, Xcel Energy and the Colorado River District signed a Purchase & Sale Agreement (PSA) to transfer ownership of the historic Shoshone water rights to the River District for \$99 million. The historic agreement marks





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a first step towards permanent protection of the historic flows and the resulting economic benefits provided by the Shoshone water rights.

Permanent protection of the Shoshone Flows will secure multiple benefits to the Colorado River water users on the West Slope and across the state such as:

**Water Quality Improvements:** Communities large and small along the Colorado River mainstem benefit from the enhanced water quality Shoshone flows provide, diluting salinity and sediment in source drinking water for towns like New Castle, Silt, Rifle, Parachute, Battlement Mesa, and De Beque. Without the higher flows of clean and cold headwater-sourced supplies provided by the Shoshone call, a higher concentration of salinity and other water quality constituents creates increased costs for municipal drinking and wastewater treatment.

**Agricultural Benefits:** Shoshone flows support Colorado's \$11.9 billion agricultural economy in a number of important ways. Water security for Western Slope agriculture is intimately linked to the Upper Colorado Endangered Fish Recovery Program where continued cooperative water management allows for continued development of water resources while maintaining Endangered Species Act (ESA) compliance. According to Colorado's Division of Water Resources, without Shoshone flows, the downstream Cameo call would be longer and deeper each year (up to 2,260 cfs vs. 1,950 cfs), triggering less opportunity for upstream agricultural diversions, a greater frequency of April calls, and an insufficient replacement of supplies for some West Slope augmentation plans. Furthermore, the historical flow regime that the Shoshone call ensures in the Colorado River creates higher water quality for irrigators up and down the mainstem which brings greater agricultural production.

**Recreation Economy:** Shoshone flows benefit Colorado communities both upstream and downstream of the call. Colorado's robust recreational economy relies heavily on the Colorado River mainstem, with Shoshone flows strengthening the state's iconic river recreation industry throughout Grand, Summit, Eagle, Garfield, and Mesa counties. River recreation in Colorado contributes \$14.6 billion annually to the state's GDP, with nearly \$4 billion coming directly from the Colorado River basin on the Western Slope. As temperatures rise and streams diminish, Shoshone permanency provides security for this economic industry, protecting the recreational fishery and boating that sustain local businesses and attract water-based recreators.

According to the Shoshone Outfitter Partnership, the Colorado River through Glenwood Canyon experiences over 70,000 commercial customer trips and an estimated 80,000 private boaters who launch from the Grizzly Creek and Shoshone boat ramps. River recreation sustains local businesses and the middle Colorado's recreation- and tourism-based economies. Achieving Shoshone permanency provides certainty and security for outfitters, the hospitality industry, and all local businesses that rely on resident and non-resident tourists and qualified employees. In 2022, the Colorado River Outfitters



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Association estimated that commercial river rafting through Glenwood Canyon created an economic impact of \$23.5 million.<sup>1</sup>

**Ecosystem Benefits and Endangered Species Act Compliance:** Over 250 miles of the Colorado River mainstem directly benefit when Shoshone water rights are being administered, preserving aquatic habitat that would otherwise be diminished by the decrease in flows. These flows also sustain a thriving fish population in Glenwood Canyon – currently undergoing evaluation for potential gold medal water designation.

Additionally, the Colorado River downstream of Rifle is habitat for four fish listed under the Endangered Species Act. Without the exercise of the Shoshone call, the stretch of the Colorado River known as the 15-Mile Reach in and around Grand Junction would have significantly less flow during large periods of the year, especially in dry years, when Shoshone can contribute half of the flow in the 15-Mile Reach. All Colorado River water users rely upon the benefits of the Shoshone flows as a bedrock for the success of the Upper Colorado River Endangered Fish Recovery Program and continued compliance with the Endangered Species Act (ESA), which provides compliance protections for over 1,250 projects in Colorado.

**Maintaining Stream Flow Through Upper Colorado River Wild & Scenic Alternative Management Plan River Sections:** The Shoshone water rights command higher flows and associated lower water temperatures through key segments with recreational fishing and wildlife habitat identified as Outstandingly Remarkable Values (ORVs) of the Upper Colorado River. The Upper Colorado River Wild & Scenic Stakeholder Group’s Alternative Management Plan lists the Shoshone water right as one of four long-term protection measures for the streamflow influenced ORVs – thus providing a critical role in removing the burdens of a potential federal Wild and Scenic designation on the Colorado River from Kremmling to No Name.

## II. PURCHASE AND SALE AGREEMENT

The Purchase and Sale Agreement (“PSA”) contemplates the conveyance of the Shoshone water rights from the Public Service Company of Colorado (PSCo) to the Colorado River District. As defined in the PSA, the “Shoshone Water Rights” to be acquired by the Colorado River District include both the senior Shoshone Power Plant water right in the amount of 1,250 cfs with an appropriation date of January 7, 1902, and the junior Shoshone Power Plant water right in the amount of 158 cfs with an appropriation date of May 15, 1929. The purchase price for the Shoshone water rights is \$98,500,000, with an additional \$500,000 payment for PSCo’s transaction costs for a total deal cost of \$99,000,000.

To close the transaction and authorize the expenditure of public funds for the acquisition of the Shoshone water rights, the PSA contains four closing conditions that must be met by December

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<sup>1</sup> Commercial Rafting Use Report 1988-2022: <https://www.croa.org/wp-content/uploads/2023/06/2022-CROA-Commercial-Rafting-Use-Report.pdf>





31, 2027, unless that deadline is extended by mutual agreement. The four closing conditions described in the PSA are as follows:

1. **Negotiation of an instream flow agreement with the CWCB.** The PSA contemplates that the River District and PSCo will negotiate with the CWCB for an agreement that authorizes the CWCB to use the Shoshone water rights for instream purposes when the rights are not being used for hydropower generation.
2. **A change of water right decree.** The PSA provides that the parties anticipate being co-applicants with the CWCB in the filing of an application for adjudication of a change of water right decree to allow the Shoshone water rights to be used by the CWCB for instream flow purposes in accordance with the terms of the instream flow agreement.
3. **Approval by the Colorado Public Utilities Commission.** The PSA contemplates that PSCo will petition the Colorado Public Utilities Commission (PUC) to approve the sale of the Shoshone water rights and the disposition of proceeds.
4. **Secured funding.** The PSA requires the River District to secure funding for the negotiated purchase price prior to the commencement of the PUC process.

### III. FUNDING STRATEGY

**Local Funding:** The funding strategy relies on a diverse partnership of local, state, and federal funding sources. The broad-based, growing West Slope coalition of over 20 entities proposes to contribute \$35 to \$40 million, \$20 million of which has already been approved and committed by the River District’s Board of Directors.

Recognizing the importance of Shoshone permanency to current and future water security on Colorado’s Western Slope, local partners are taking action to formalize their own financial commitments to this project. As of the date of this memo, 19 water entities and local governments have formally committed over \$14 million with ongoing conversations with remaining coalition partners. The following table includes local commitments to-date:

<b>Local Funding Commitments (as of 06/10/2024)</b>	
Garfield County	\$3 million
Eagle County	\$2 million
City of Glenwood Springs	\$2 million
Ute Water Conservancy District	\$2 million
Eagle River Water and Sanitation District and Upper Eagle Regional Water Authority	\$1 million
Grand County	\$1 million
City of Grand Junction	\$1 million





Mesa County	\$1 million
Clifton Water District	\$250,000
Grand Valley Irrigation Company	\$250,000
Basalt Water Conservancy District	\$100,000
Grand Valley Water Users Association	\$100,000
Orchard Mesa Irrigation District	\$100,000
City of Rifle	\$100,000
Snowmass Water & Sanitation District	\$100,000
Mesa County Irrigation District	\$50,000
Palisade Irrigation District	\$50,000
West Divide Water Conservancy District	\$50,000
<b>Total:</b>	<b>\$14.15M</b>

**State:** On January 29, 2024, the Colorado Water Conservation Board (CWCB) voted unanimously to recommend a \$20 million investment in support of the Shoshone Water Rights Preservation effort. The Colorado General Assembly formally approved the \$20 million contribution through the 2024 Water Projects Bill (HB24-1435) with broad bipartisan support. The funding commitment represents a key milestone in the campaign to permanently protect the historic, non-consumptive Shoshone water rights on the upper Colorado River for future generations, an outcome long sought by over 20 Western Slope water entities and local governments.

**Federal:** In recognition of the critical importance of the Shoshone flows to the continued success of the Upper Colorado River Endangered Fish Species Recovery Program and other benefits to federal interests, we have initiated discussions with the Bureau of Reclamation to contribute the remaining \$40 - \$49 million of the acquisition costs through funding made available as part of the Inflation Reduction Act. The Inflation Reduction Act provides \$4 billion in drought mitigation funding to support actions that deliver:

- (i) Compensation for temporary or multiyear voluntary reductions in diversion of water or consumptive water use; and
- (ii) Voluntary system conservation projects that achieve verifiable reductions in use of or demand for water supplies or provide environmental benefits in the Lower Basin or Upper Basin of the Colorado River; and
- (iii) Ecosystem and habitat restoration projects that address issues directly caused by drought in a river basin or inland water body.

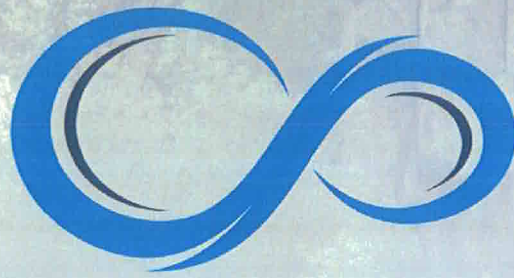
This funding must be committed by September 30, 2026. The Shoshone water rights acquisition is in strong alignment with funding category (iii) given the measurable benefits, particularly evident in drought years, to the Colorado River ecosystem and critical habitat, which is important to meeting recovery requirements to maintain ESA compliance.



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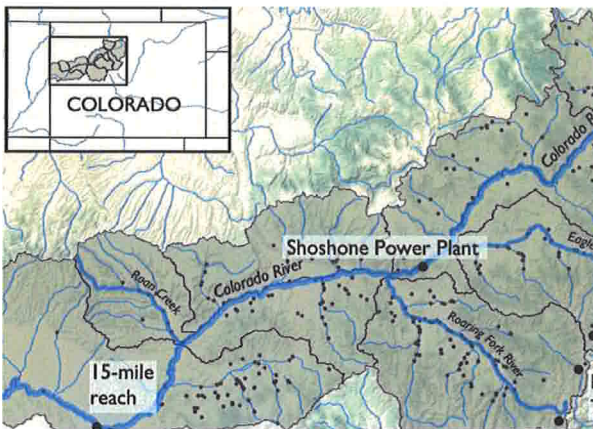
The \$99 million PSA to acquire the Shoshone water rights is no small price tag, but the one-time investment to protect Colorado River flows in perpetuity is a durable solution with priceless benefits for generations of water users to come. Under current water use demands in Colorado, the absence of the Shoshone call would mean that, in a dry-year such as 2012, 41,000 acre-feet of water would no longer flow through the critical 15-Mile Reach section of the Colorado River. Under increased future demands in a similar dry-year conditions like 2012, the protected amount increases to approximately 86,000 acre-feet. The Shoshone call impact is most realized in dry years but is also seen under wet-years and average-year hydrology contributing approximately 3,000 – 27,000 AF.





# SHOSHONE

## WATER RIGHT PRESERVATION



*The Shoshone Water Right commands essential flows upstream and downstream of Glenwood Canyon on the Upper Colorado River. Credit: Antonia Hadjimichael/Cornell University.*

## SENIOR WEST SLOPE WATER RIGHTS

In Colorado, the right to divert and use water is governed by a legal priority system of water rights administered by the State of Colorado. Water is scarce in the arid West, more with climate change-induced aridification. The priority system is a means of rationing water when river flows subside after spring runoff. Shoshone holds the most senior, major water right on the mainstem Colorado River. This non-consumptive 1902 water right for 1,250 cubic feet per second makes the plant incredibly valuable to Western Colorado. This water right commands the flow of the Colorado River, making it essential for both upstream and downstream ecological and economic benefits in the face of ongoing drought.

## THE SHOSHONE HYDRO PLANT IN COLORADO WATER HISTORY

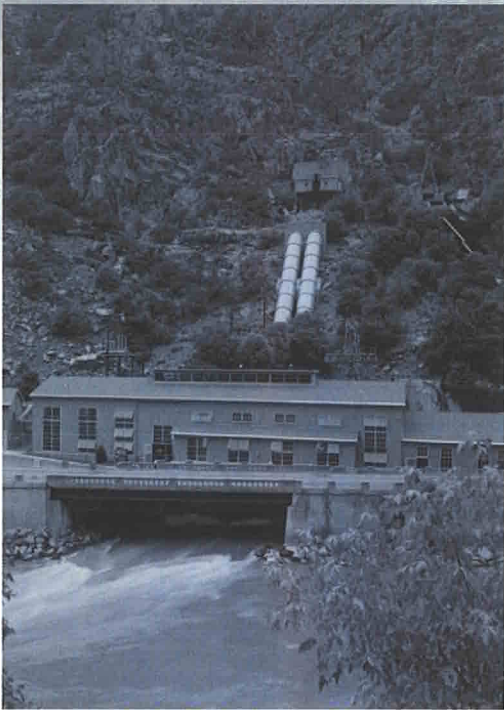
In 1902, 20 years after Glenwood Springs was first settled and about 14 years after the railroads reached the new town, the Colorado Power & Irrigation Company organized to furnish electrical power to various western Colorado towns. The selected position for a hydroelectric plant was at Shoshone Falls, eight miles east of Glenwood Springs in Glenwood Canyon.



*Credit: Library of Congress.*

When Central Colorado Power Company incorporated in 1906, construction of the plant began. A major engineering feat for its time, the Shoshone Hydropower Plant's construction employed up to 1,500 workers for two and a half years, and to this day operates from the run of the river rather than an upstream reservoir. Since its creation, the Shoshone Hydro Plant has been owned by the Colorado Power Company and the Public Service Company of Colorado, eventually absorbed by Xcel Energy.





*Credit: Library of Congress.*

## SHOSHONE HYDRO PLANT: HOW IT WORKS

The Shoshone Hydro Plant consists of four elements: a diversion dam, a 2.3-mile tunnel drilled through the north wall of Glenwood Canyon, a power plant with two turbines, and transmission lines.

The diversion dam is located at the Hanging Lake exit off Interstate 70. The dam directs water into a 2.3-mile tunnel drilled through the north wall of Glenwood Canyon. The tunnel is approximately 13 feet tall and 16-foot, 8-inches wide. The tunnel terminates at the hydro plant, 165 feet above the turbines. Water falls down two penstocks and the power created by the weight of the water falling turns two turbines, which in turn power two generators, producing up to 15 megawatts of electricity. The electricity benefits consumers across Western Colorado.

The water emerges from the plant unconsumed and ready to support the environment, recreation, and municipal uses. The famed Shoshone boat ramp is located right at the plant for this very reason, and remains a popular destination for recreational boaters.

## A COMMAND OF THE RIVER TODAY & IN A HOTTER, DRIER FUTURE

The seniority of Shoshone's water right brings exceptional value for West Slope communities and water users. Without these flows, river levels would be lower, temperatures higher, and other interests upstream could take more water out of the natural river basin. Bolstered by Shoshone flows, the Colorado River supports a robust \$14.6 billion water-based recreational economy in Colorado from Grand County westward for rafters, kayakers, and anglers – both commercial and private.



Shoshone flows are also essential for maintaining both upstream and downstream environments for native fish and wildlife, including Colorado's four listed threatened and endangered fish: the humpback chub, the bonytail chub, the Colorado pikeminnow, and the razorback sucker - occupying critical habitat in the 15-Mile Reach near Grand Junction. Shoshone's senior water rights act as a bedrock for the success of the Upper Colorado Endangered Fish Recovery Program and continued, streamlined compliance with the Endangered Species Act (ESA). The consistent flow regime also helps sustain local agricultural producers and Colorado's \$11.9 billion agricultural economy through increased flows and higher water quality and provides water quality benefits for West Slope communities that rely on the Colorado River for drinking water.





**COLORADO**

**Colorado Water  
Conservation Board**

Department of Natural Resources

## **Colorado Water Conservation Board Approves Funding for Continued Shoshone Preservation Efforts**

**January 29, 2024**—The Colorado Water Conservation Board (CWCB) has voted to recommend \$20 million in funding to the Colorado River District as part of the annual Water Projects Bill contributing to a larger funding effort to secure Shoshone permanence and foster water security on the Colorado River.

“The CWCB Board considered this funding application very carefully. This is a significant step towards maintaining historic flows on the Colorado River,” said Lauren Ris, CWCB Director. “As an agency, we will continue to do our due diligence in this process, with the hope that these efforts can benefit the environment and give West Slope water users more certainty.”

The decision follows a special workshop held on January 25, and a final vote during CWCB’s January Board Meeting. On [December 19, 2023](#), the Colorado River Water Conservation District and Public Service Company signed an agreement that would allow the River District to purchase the water rights associated with the Shoshone power plant. The River District is also planning to seek funds from the Bureau of Reclamation and others.

In the coming months to years, CWCB will work with the River District to negotiate an instream flow agreement. If approved, the two entities would then seek a change in water right decree through Colorado Water Court. The CWCB’s Instream Flow Program secures instream flow water rights to protect streamflow to preserve the natural environment of streams and lakes where fish and other species live. The integrity of this long-standing program depends on a thorough review, so it’s critical CWCB staff follow public processes.

“We also greatly appreciate the hard work and dedication of CWCB staff in this effort and their positive recommendation of funding to the Board,” said Andy Mueller, Colorado River District General Manager. “We consider the state an integral partner in protecting Shoshone’s flows in perpetuity, and the \$20 million funding milestone brings this generational investment in Colorado water security one step closer to the finish line.”

“If completed, Shoshone water right preservation would help maintain flows on the Colorado River, and support the system as a whole,” said Dan Gibbs, Executive Director of the Colorado Department of Natural Resources. “Securing this water right and negotiating an instream flow use agreement could mean supporting healthy agriculture, providing clean drinking water, fostering healthy environments, and more. We look forward to working with the Colorado River District and Xcel Energy as this process enters the next phases of evaluation and approval.”

###





# SHOSHONE

## WATER RIGHT PRESERVATION

**FOR IMMEDIATE RELEASE**  
Tuesday, December 19, 2023

**CONTACT:**  
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GBSM, Sam Stookesberry - 303.981.8332  
CRD, Lindsay DeFrates - 970.456.8973

### **Historic Agreement Reached to Advance Colorado Water Security**

*Shoshone Water Right Preservation Campaign kicks-off with Purchase & Sale Agreement to permanently protect flows in the Upper Colorado River.*

**Glenwood Springs, CO** — This afternoon, Xcel Energy and the Colorado River District signed a Purchase & Sale Agreement (PSA) to transfer ownership of the historic Shoshone water rights to the River District for \$98.5 million. The agreement marks a first step towards permanent protection of the most senior, non-consumptive water right on the Colorado River, a project with a 20-year history of support from 19 western Colorado governments and water entities.

“This announcement is a critical first step in preserving the water rights that flow through our Shoshone Hydro Plant turbines on the Colorado River,” said Robert Kenney, president of Xcel Energy – Colorado. “This is an important agreement for the 1.6 million electric customers and communities we serve statewide by allowing us to continue generating clean electricity as part of our commitment to be good stewards of the Colorado River and all who rely on it.”

Leadership from Xcel Energy and the River District celebrated this milestone alongside a broad base of Shoshone Water Right Preservation campaign partners at the Hotel Colorado. Remarks from county commissioners, local and state elected officials, as well as environmental and recreation-based interests followed the official signing of the agreement.

“On behalf of the Colorado River District and the headwaters communities in Eagle County, we thank Xcel Energy for being a committed partner to the West Slope, our economy, and our environment,” said Colorado River District Board President and Eagle County Commissioner Kathy Chandler-Henry.

With the PSA signed, the Shoshone Water Right Preservation Coalition – a diverse and growing partnership of stakeholders – now begins a multi-year effort to secure funding for the purchase and to add an ‘instream flow’ benefit to the historic Shoshone water rights in water court. With its command of 1,408 cfs (or up to 1.02-million-acre feet of water per year) on the Colorado mainstem and benefits both upstream and downstream of Glenwood Canyon, Coalition members see Shoshone permanency as a generational investment in water security for Colorado's environment, economy, and communities across the state.

“We now look forward to working alongside the State of Colorado, the Bureau of Reclamation, the U.S. Fish & Wildlife Service, and Colorado water users, all of whom will be integral partners in this effort’s success,” Commissioner Chandler-Henry added.

Central to the statewide benefit of the Shoshone water right is the vital role it plays in Endangered Species Act (ESA) compliance. Over 1,250 Colorado water projects on both sides of the divide rely on the Upper Colorado River Endangered Fish Recovery Program to maintain ESA compliance and continued operation. In dry years, Shoshone calls between 41,000 and 86,000-acre-feet (AF) of water downstream from the Shoshone Hydropower Plant, bolstering needed cold-water flows in the Grand Valley’s 15-Mile Reach – critical habitat for Colorado’s four native fish listed under the Endangered Species Act.

The consistent flow regime also helps sustain local agricultural producers and Colorado’s \$11.9 billion agricultural economy through increased flows and higher water quality. It also provides water quality benefits for West Slope communities that rely on the Colorado River for drinking water, and drives the state’s \$14.6 billion water-based recreation economy along the Colorado River.

“Protection of Shoshone’s flows presents a unique opportunity to protect the long-term viability of the Colorado River and the communities across the state that depend on it, many of which I represent,” said state Senator Dylan Roberts (SD-8). “There is still a lot of work to be done, but today is incredibly exciting. Taking action on behalf of current and future water users is absolutely worth it and should be a top priority.”

"Agriculture, recreation, and the environment all benefit from Shoshone’s flows. But it’s important to remember that the drinking water supplies for many of the communities in my district come directly from the Colorado River,” said State Representative Elizabeth Velasco (HD-57). “Towns like New Castle, Silt, Rifle, and others all benefit from the flows that Shoshone provides. Higher, consistent stream flows provide clean drinking water for thousands of people in my district and reduce the cost of water treatment for rural communities."

“Colorado has an opportunity with Shoshone permanency to take durable, decisive action on water security for the sake of our productive agriculture and our hard-working farmers and ranchers here in the Grand Valley,” stated Mesa County Commissioner Bobbie Daniel.

After today’s official kickoff, the Shoshone Water Right Preservation Campaign moves forward with in-depth public engagement planned across Colorado. Both West Slope and Front Range residents are encouraged to stay tuned in the coming year as local events are announced. Learn more at [www.KeepShoshoneFlowing.org](http://www.KeepShoshoneFlowing.org).

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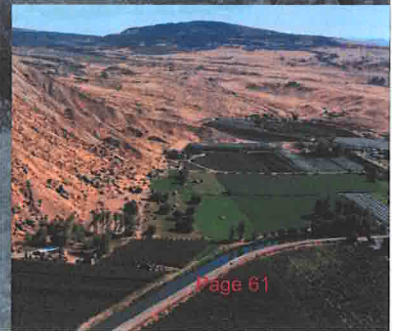



# Shoshone Water Rights Preservation

*Amy Moyer*  
Director of Strategic Partnerships,  
Colorado River District



**SHOSHONE**  
WATER RIGHT PRESERVATION





**The Colorado River District  
was formed in 1937 to protect  
West Slope water users AND  
to safeguard for Colorado all  
waters of the Colorado River  
to which the state is entitled.**





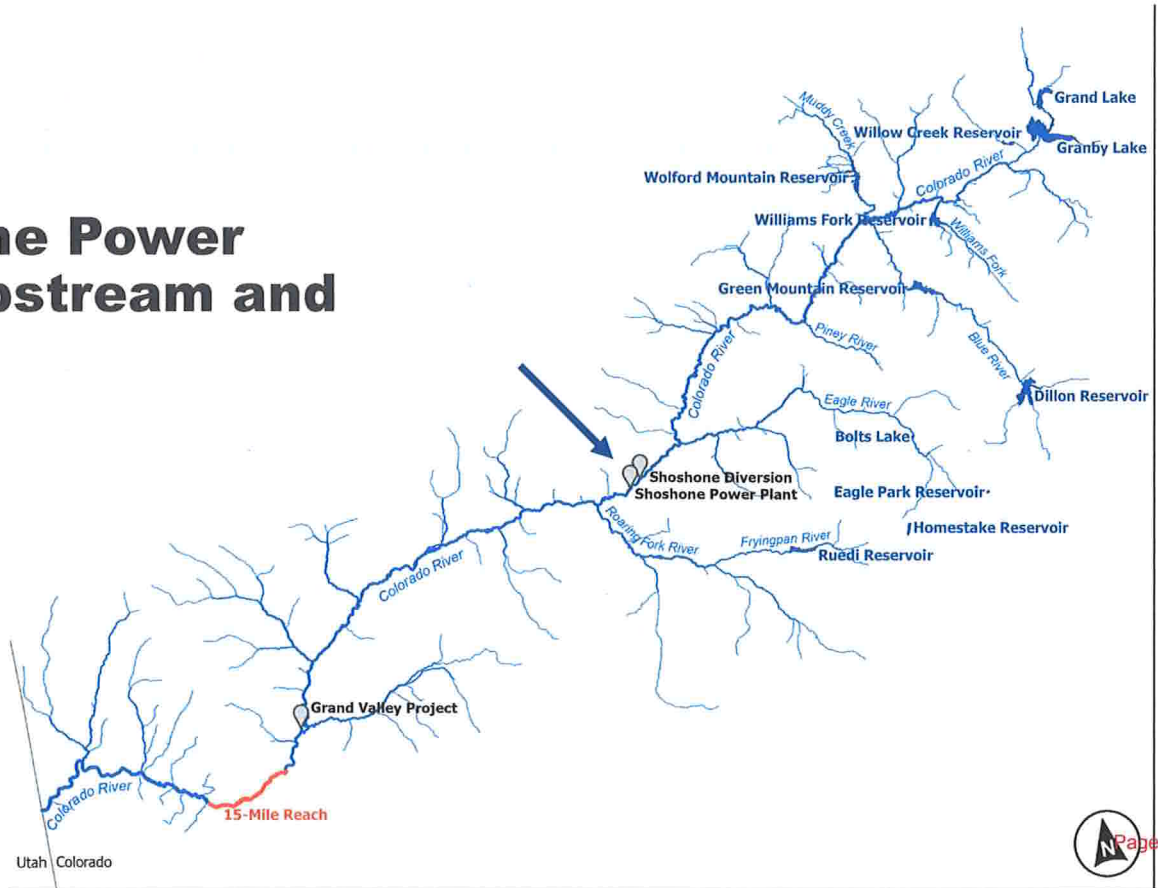


## ABOUT SHOSHONE WATER RIGHTS

- Large and very senior non-consumptive right on the Colorado River – 1250 cfs under a 1902 right & 158 cfs under a 1929
- The full Shoshone call can command 1,408 cubic feet per second, or up to 1.02 MAF per year
- Benefits on the West Slope from the Headwaters to the State Line and Statewide.



# Shoshone Power Plant Upstream and Down



# Multiple Benefits for Colorado and the West Slope

Clean Drinking Water

Agriculture



Environment



Recreation Economy



Page 66

# Shoshone Water Right Preservation Coalition

**Summit County – Grand County – Eagle County  
Garfield County – Mesa County**

- Clifton Water District
- Clinton Ditch and Reservoir Company
- Colorado River District
- Eagle Park Reservoir Company
- Basalt Water Conservancy District
- Eagle River Water and Sanitation District
- City of Glenwood Springs
- City of Grand Junction
- Grand Valley Irrigation Company
- Grand Valley Water Users Association
- Mesa County Irrigation District
- Middle Park Water Conservancy District
- Orchard Mesa Irrigation District
- Palisade Irrigation District
- City of Rifle
- Snowmass Water & Sanitation District
- Upper Eagle Regional Water Authority
- Ute Water Conservancy District
- West Divide Water Conservancy District



[WWW.KEEPSHOSHONEFLOWING.ORG](http://WWW.KEEPSHOSHONEFLOWING.ORG)

# TIMELINE



Negotiating an Instream Flow Agreement between seller, CRD, and CWCB



Successful completion of a change case



Ongoing fundraising with support from local, state and federal partners

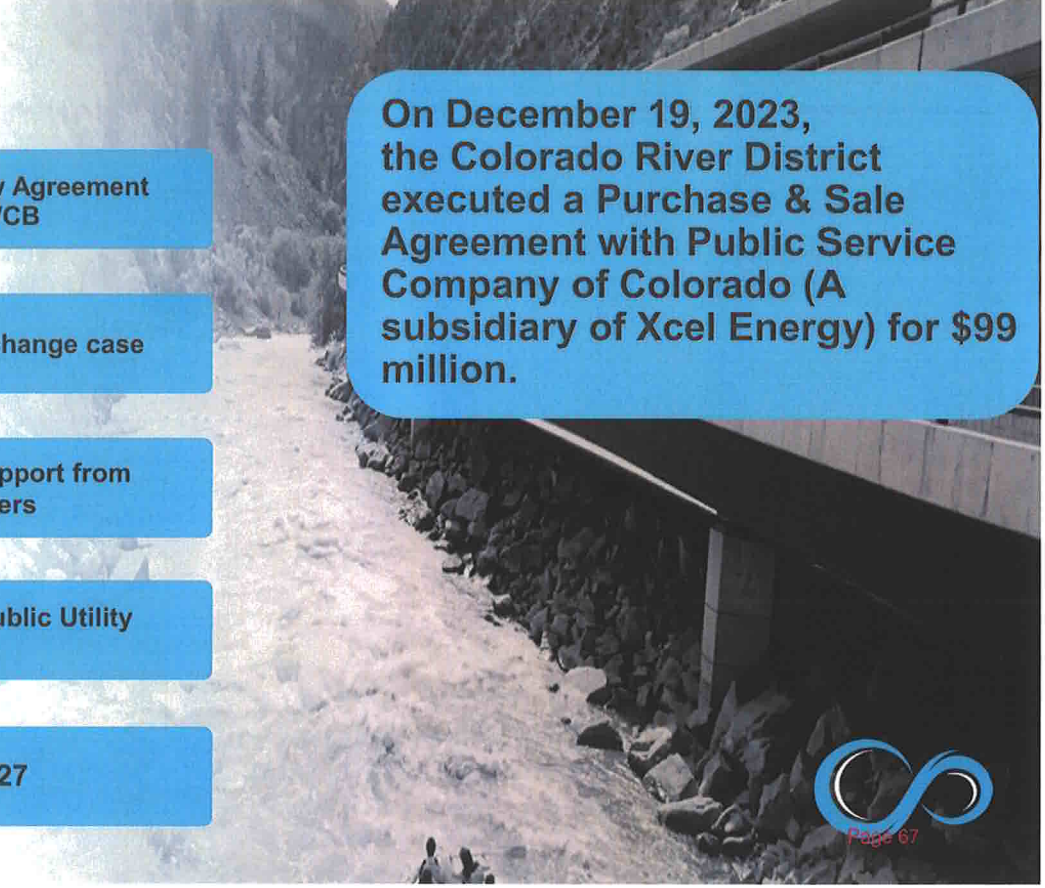


Approval from Colorado's Public Utility Commission



Anticipated Closing in 2027

On December 19, 2023, the Colorado River District executed a Purchase & Sale Agreement with Public Service Company of Colorado (A subsidiary of Xcel Energy) for \$99 million.







**\$20M – Colorado River District**



**\$20M – State of Colorado**



**\$14.15M – 19 Local Partners**

**\$54.15 million Secured**



<b>Middle River Contributions</b>	
Garfield County	\$3 million
City of Glenwood Springs	\$2 million
Basalt Water Conservancy District	\$100,000
City of Rifle	\$100,000
Snowmass Water & Sanitation District	\$100,000
West Divide Water Conservancy District	\$50,000
<b>Total</b>	<b>\$5.35M</b>





## **WHY NOW?**

- 20 years, 20 western Colorado governments and water entities.
- A willing partner in Xcel Energy.
- Historic amounts of funding at the state and federal level.
- Increased impacts from a hotter, drier future






**SHOSHONE**  
WATER RIGHT PRESERVATION

[WWW.KEEPSHOSHONEFLOWING.ORG](http://WWW.KEEPSHOSHONEFLOWING.ORG)

## Get Involved

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newsletter**

